

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	
v	)	3:05-CR-234-A
	)	
	)	
TYRONE WHITE	)	

**ORDER**

In this case set for trial on December 5, 2005, expressly pursuant to defendant's insistence at his arraignment on October 21, 2005, the court scheduled a pretrial conference for November 16, 2005, to consider, *inter alia*, the impact of any pretrial motions on readiness for the scheduled trial. Solely in response to defendant's motion filed November 10, 2005, did the court continue the pretrial conference from November 16 to November 21, 2005, at 3:00 p.m.

On November 15, Defendant filed his ***Motion for Immediate Order (Doc 38)*** which, *inter alia*, demands immediate issuance of an order granting his-following styled Motions, all filed October 28, 2005 "in respect to discovery related to jury composition"(Mot. at 2):

*Motion to Dismiss Indictment for Systematic Underrepresentation of Black Americans in Grand Jury (Doc. 28)*

*Motion for Discovery to Challenging the Composition of the Petit Jury for Systematic Underrepresentation of Black Americans (Doc. 29);*

*Motion to Inspect and Copy of Jury System Records (Doc.30)*

As support for his *Motion for Immediate Order*, Defendant emphasizes that "the government concedes" in its show-cause response that he "is entitled to inspect information related to the jury selection process" (Mot., ¶ 2). That fact alone, however, does not constitute "good cause" for a judicial order granting the requested discovery as it is the court's duty to decide the merits of the

pending discovery motions. The court continues its deliberations on all pending motions and will issue its rulings in due course. Accordingly, Defendant's ***Motion for Immediate Order (Doc 38)*** **is due to be, and is hereby, DENIED.** Defendant is further ADVISED that no final determination can be made on his *Motion to Dismiss Indictment....* prior to the trial now scheduled to commence on December 5, 2005.

DONE THIS 16<sup>TH</sup> DAY OF NOVEMBER, 2005.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE